

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Precious Jefferson,

Plaintiff,

vs.

Chestnut Group, Inc.,
Springmasters, Inc.,

Defendants.

Civil Action No. 6:08-3728-GRA-WMC

REPORT OF MAGISTRATE JUDGE

The plaintiff brought this employment discrimination action seeking relief pursuant to Title 42, United States Code, Section 2000. On July 7, 2009, the defendants filed a motion to dismiss or, in the alternative, stay the action. The plaintiff has not filed a response to the motion.

Based on the foregoing, as well as the defendants' unrefuted motion to dismiss, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed without prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

Attorney fees against the party are not justified in this case. Accordingly, attorney fees should be denied.

August 6, 2009
Greenville, South Carolina


WILLIAM M. CATOE
UNITED STATES MAGISTRATE JUDGE